



आरत का राजपत्र

The Gazette of India

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प्रसाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्रतिधिकार से प्रकाशित

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No. 36] NEW DELHI, THURSDAY, MAY 2, 1991/VAISAKHA 12, 1913

इस भाग में अलग पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 2nd May, 1991/Vaisakha 12, 1913 (Saka)

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ORDINANCE, 1991

No. 4 OF 1991

Promulgated by the President in the Forty-second Year of the Republic of India.

An Ordinance further to amend the Code of Criminal Procedure, 1973.

WHEREAS the House of the People has been dissolved and the Council of States is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Code of Criminal Procedure (Amendment) Ordinance, 1991.

(2) It shall come into force at once.

Short title
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ment.

THE GAZETTE OF INDIA EXTRAORDINARY [PART II—SEC. 1]

Amend-
ment of
section 197.

2. In section 197 of the Code of Criminal Procedure, 1973,—

2 of 1974.

(a) in sub-section (1), to clause (b), the following proviso shall be added, namely:—

“Provided that where the alleged offence was committed by a person referred to in clause (b) during the period while a Proclamation issued under clause (1) of article 356 of the Constitution was in force in a State, clause (b) will apply as if for the expression “State Government” occurring therein, the expression “Central Government” were substituted.”;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) Notwithstanding anything contained in sub-section (3), no court shall take cognizance of any offence, alleged to have been committed by any member of the Forces charged with the maintenance of public order in a State while acting or purporting to act in the discharge of his official duty during the period while a Proclamation issued under clause (1) of article 356 of the Constitution was in force therein, except with the previous sanction of the Central Government.”.

R. VENKATARAMAN,

President.

K. L. MOHANPURIA,

Additional Secretary to the Govt. of India.